

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MARIUS C. POWELL,)
)
)
Plaintiff,)
)
)
v.) No. 08 C 1270
)
)
LT. McNAMARA, et al.,)
)
)
Defendants.)

MEMORANDUM ORDER

Two of the three defendants in this action originally brought pro se by Marius Powell ("Powell"), in which this Court has appointed counsel to represent Powell pro bono publico, have filed their Answer to Powell's self-prepared Complaint. This memorandum order is issued sua sponte because of a potential threshold problem raised by that responsive pleading.

Under 42 U.S.C. §1997e(a) the exhaustion of all available administrative remedies is made a precondition to the bringing of any lawsuit by a person in custody (such as Powell). According to the Affirmative Defenses ("ADs") set out in the currently-filed Answer, Powell has failed to satisfy that precondition. And AD 2 properly requests a hearing to address that issue.

This case is currently set for a next status hearing at 9 a.m. August 22. In advance of that date, counsel for the parties should confer as to the appropriate timetable for a hearing on the subject (taking into account any possible witnesses who might be needed, as well as any threshold discovery

that might be involved), with the goal that the time for such a hearing may be set at the status hearing.



Milton I. Shadur
Senior United States District Judge

Date: August 13, 2008